

**Notice of Allowability**

Application No.

10/670,109

Examiner

Darren W. Ark

Applicant(s)

KOLLARS ET AL

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amdt. filed 1/18/05 & Telephone Interview 3/3/05.
  2. ☒ The allowed claim(s) is/are 1-8,14-17,19-21 and 25-28.
  3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**DARREN W. ARK**  
**PRIMARY EXAMINER**

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Wolf on Thursday, March 03, 2005.

The application has been amended as follows:

Claim 1, line 7, inserted --using trapping means for-- after "and".

Claim 5. A method as set forth in claim 3 including the step of exterminating the insects and arthropods when using the trapping means ~~captured by the adhesive~~.

Claim 6, line 5, replaced "a trap" with --trapping means--.

Claim 6, line 6, replaced "containing" with --having--.

Claim 8, line 3, inserted --which-- after "chemicals".

Claim 8, line 5, replaced first occurrence of "the" with --a--.

Claim 14, line 2, replaced "for receiving" with --with--.

Claim 14, line 3, inserted --first-- before "container".

Claim 15, line 2, replaced second occurrence of "the" with --an--.

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Claim 16. An insect/arthropod trap as described in claim 14 wherein the hood has holes spaced from one of the containers, said one of the containers having a surface consisting of fluorescent, UV reflective, or near-infrared reflective material such that, at a distance, two visible holes will be seen that may resemble the eyes of a mammal, with these holes permitting light to impinge on the one of the containers and allow alternative arthropod entry.

Claim 19, line 3, replaced "liquid" with --fluid--.

Claim 20, line 2, replaced "liquid" with --fluid--.

Claim 25, line 2, replaced first occurrence of "the" with --an--.

Claim 25, line 6, replaced "compartment" with --compartments--.

Claim 26, line 2, deleted "." at the end of "soda".

2. The following is an examiner's statement of reasons for allowance:

In regard to claim 1, the prior art of record does not disclose a method of disposing of insects and arthropods comprising providing a valve in fluid communication with at least one of the first and second containers, adjusting the valve to react the first chemical composition with the second chemical composition, and using trapping means for trapping the insects and arthropods attracted by the carbon dioxide emission for disposition.

In regard to claim 6, the prior art of record does not disclose an insect/arthropod trap comprising a control for metering the flow of the fluid in contact with the

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composition or a trapping means positioned adjacent the means having the composition for trapping insects and arthropods.

In regard to claim 7, the prior art of record does not disclose an insect/arthropod trap comprising an opening disposed between the first and second containers to selectively mix the materials together, wherein the materials are mixed together in the second container to generate an insect/arthropod attracting gas or a member associated with one of the containers and having a surface on which an adhesive is applied for capturing insects attracted by the gas that alight on the surface.

In regard to claim 14, the prior art of record does not disclose an insect/arthropod trap comprising a base having a surface with an adhesive for capturing arthropods or a connector joining the two containers for conveying fluid from the second container to the first container when the arthropod attracting gaseous phase is to be generated.

In regard to claim 25, the prior art of record does not disclose a container with an adhesive at least partially extending about the outer surface of the container, wherein the adhesive is designed to trap insects and arthropods or a valve in fluid communication with at least one of the first and second compartments to control the release of at least one of the first material and the second material, wherein carbon dioxide is generated to attract insects and arthropods when the first material is mixed with the second material.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733 or (571) 272-6885. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark  
Primary Examiner  
Art Unit 3643

DWA